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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,016	11/28/2000	Heinz Focke	FOCKE11	7235

7590 01/18/2006

Todd Deveau  
Thomas Kayden Horstemeyer & Risley LLP  
100 Galleria Parkway N W  
Suite 1750  
Atlanta, GA 30339-5848

EXAMINER
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TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/724,016	FOCKE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sameh H. Tawfik	3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 45-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-47 and 52-54 is/are allowed.
- 6) ☒ Claim(s) 48-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>01122006</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.   |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neri et al. (U.S. Patent No. 5,701,725) in view of (WO 9856662A).

Regarding claim 48: Neri discloses a process for folding and sealing an outer wrapper on a dimensionally stable pack comprising the following steps providing a wrapping film (via 8) for forming the outer wrapper; wrapping the wrapping film around the pack to form side tabs (23), bottom tabs, and top tabs (Fig. 1); causing the side tabs to overlap one another (Figs. 1 and 3); thermally pre-sealing the side tabs (Figs. 1 and 3; via laser beam 53); causing the bottom tabs to overlap one another and the top tabs to overlap one another (Figs. 1 and 4); thermally pre-sealing the overlapping bottom and side top tabs (Figs. 1 and 4; via laser beam 62); and subsequently permanently sealing the side tabs; and permanently sealing the bottom and top tabs (Figs. 1, 3, and 4; via the compressing means holding to the pack even after the laser beam seals the packs, that could consider as permanently seal) and/or while stacking the pack after the step of laser seals done, could be consider as permanently sealing step as the longitudinal, top, and bottom folds the staking step make the packages compressed to each other and that could be considered as finishing the sealing step by compressing the packages.

Neri does not disclose that the wrapping film is shrinkable. However, '662 discloses a similar process comprising a shrinkable wrapper used for the purpose wrapping tobacco.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was substituted Neri's wrapper by having shrinkable wrapper, as taught by '662, in order to assure the complete and strong wrapping to the articles. Alternatively, the examiner takes an official notice that the mentioned shrinkable wrapper on the tobacco package manufacture is old, well known, and available in the art for the purpose of assuring of strong and complete package around the tobacco.

Regarding claim 49: Neri discloses the pre sealing steps and the permanent sealing steps do not initiate shrink wrapping of the film, see for example (Fig. 1).

Regarding claim 50: Neri nor '662 disclose that the step of shrinking the film is done after the side tabs and the bottom and top tabs are permanently sealed by heating. However, it would be obvious to one having ordinary skill in the art by substituting Neri's wrapping film by shrinkable film, as suggested by '662, the shrinking step will be done after permanently sealing the tabs in order to assure the sealing of the taps and because it will be much easier sealing the taps before the shrinking step.

Regarding claim 51: Neri discloses that the pre sealing of the overlapping tabs covers less than half of the area of overlap of the tabs, see for example (Figs. 1, 3, and 4; via the laser beams seal through small line portion of taps).

***Allowable Subject Matter***

Claims 45-47 and 52-54 are allowed, as the prior art of record does not disclose in combination the claimed steps for producing a pack made of thin cardboard comprising the steps of thermally pre-sealing a side tabs; thermally pre-sealing an overlapping transverse and longitudinal folding tabs; moving the packs upwardly into a pack tower and permanently sealing

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their overlap by full-surface sealing; and then transporting the pack laterally to a sealing path where the transverse and longitudinal folding tabs are surface sealed.

### ***Response to Arguments***

Applicant's arguments filed 11/07/2005 have been fully considered but they are not persuasive.

Applicants argue in page 9 of the arguments that Neri's reference does not disclose laser beams serve to pre-seal the tabs, instead, they serve to permanently seal the tabs and there is no device disclosed by Neri causing a permanent sealing or connecting following the laser device. The examiner believes that as the limitations of "permanently sealing the side tabs; and permanently sealing the bottom and top tabs." as broadly disclosed in claim 48 could be shown on Neri's reference as the compressing means holding to the pack after the laser beam seals the packs, in other wording the guiding or pressing bars following the laser step of sealing the wrapper could be consider as finishing the sealing step as these bars are in direct contact with the wrappers, so it could be considered as finishing the seals and making a permanently seals.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

A handwritten signature in black ink, appearing to read 'Sameh', with a long horizontal flourish extending to the right.

ST.